

Remarks

The requirement for restriction is respectfully traversed. When unformulated in solid forms, all sulfonylurea herbicides are prone to undergo hydrolysis. According to the present invention, it has been unexpectedly discovered that alkylpolyglycosides impart a stabilization to solid formation of sulfonylurea herbicides. All species of the claimed solid mixture require component a) a sulfonylurea herbicide, and b) an alkylpolyglycoside. Applicants respectfully note that 37 C.F.R. §1.146 indicates, “[i]n the first action on an application containing a generic claim to a generic invention (genus) and claims to more than one patentably distinct species embraced thereby, the examiner may require the applicant in the reply to that action to elect a species of his or her invention to which his or her claim will be restricted if no claim to the genus is found to be allowable.” Independent claim 10 is directed to a solid mixture comprising: a) a sulfonylurea herbicide, b) an alkylpolyglycoside, and c) optionally one or more further active compounds, with the proviso that said further active compound (c) is different from aminophosphoric acids. The Office action seems to label components a), b), and c) as species of the invention. To avoid any confusion, applicants respectfully note that components a), b), and c) are components of the inventive solid mixture, as opposed to species of the inventive mixture. Again, according to the present invention, it has been unexpectedly discovered that alkylpolyglycosides impart a stabilization to solid formation of sulfonylurea herbicides. All species of the claimed solid mixture require component a) a sulfonylurea herbicide, and b) an alkylpolyglycoside. It would be inappropriate to require applicants to elect a single component of their invention. To expedite the examination process, however, Applicants provisionally elect a species of the claimed solid mixture, which includes components a), b), and optionally c). Applicants provisionally elect a solid mixture comprising: a) a sulfonylurea herbicide, which is compound 47, as described in the table on page 11 of the application as filed; b) an alkylpolyglycoside, which is compound AG^R6202 which is a compound of the formula II as depicted on page 13 of the application, wherein R²¹ is 2-ethylhexyl and a is about 1.6; and c) optionally one or more further active compounds, which is dicamba, with the proviso that said further active compound (c) is different from aminophosphoric

acids. Claims 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31 are readable thereon. Applicants also respectfully submit that compound 47 corresponds to compound SU1 used in the working examples. As shown in the enclosed tritosulfuron data sheet, compound 47 is also referred to as "tritosulfuron." A definition of AG^R6202 is given on page 14, lines 1 to 2 of the specification. Finally, applicants respectfully submit that the elected sulfonylurea and the elected alkylpolyglycoside are exemplified in examples 2, 3, 7, 8, 11, 12, 13, 14, 17, and 18. The elected compound c) is also exemplified in example 17.

The present requirement for restriction should be withdrawn. In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner is welcome to contact the undersigned by phone to further the discussion.

NOVAK DRUCE & QUIGG, LLP
1300 Eye St. N.W.
Suite 1000 West
Washington, D.C. 20005

Phone: (202) 659-0100
Fax: (202) 659-0105

Respectfully submitted,
NOVAK DRUCE & QUIGG, LLP

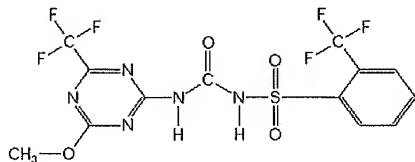


Michael P. Byrne
Registration No.: 54,015

Enclosure (1): "tritosulfuron" data sheet.

tritosulfuron

STATUS: ISO 1750 (published)
IUPAC: 1-[4-methoxy-6-(trifluoromethyl)-1,3,5-triazin-2-yl]-3-[2-(trifluoromethyl)benzenesulfonyl]urea
CAS: *N*-[[[4-methoxy-6-(trifluoromethyl)-1,3,5-triazin-2-yl]amino]carbonyl]-2-(trifluoromethyl)benzenesulfonamide
REG. NO.: 142469-14-5
FORMULA: C₁₃H₉F₆N₅O₄S
ACTIVITY: herbicides ([triazinylsulfonyleurea herbicides](#))
NOTES:
STRUCTURE:



PRONUNCIATION: *trī-tō-sŭl-fŭr-ōn* [Guide to British pronunciation](#)

INCHI: InChI=1/C13H9F6N5O4S/c1-28-11-21-8(13(17,18)19)20-9(23-11)22-10(25)24-29(26,27)7-5-3-2-4-6(7)12(14,15)16/h2-5H,1H3,(H2,20,21,

A data sheet from the Compendium of Pesticide Common Names